

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP (797-1101)

**SUBJECT:** Ordinance - Vacation/Abandonment

Application No., Project Name and Location: VA 5-2-02, SW 142 Avenue Road Right-of-Way Vacation, Generally located between SW 14 Street to the south and SW 26 Street to the north.

**AFFECTED DISTRICT:** District 4 - Councilmember Judy Paul

**TITLE OF AGENDA ITEM:** SW 142 Avenue Road Right-of-Way Vacation

### **REPORT IN BRIEF:**

The Town is requesting to vacate a portion of road right-of-way known as SW 142 Avenue between SW 14 Street to the south and SW 26 Street to the north, approximately one (1) mile in length.

On July 3, 2001, at the request of adjacent residents, Town Council approved the vacation of a portion of right-of-way for SW 142 Avenue, lying between SW 26 Street to the north and SW 14 Street to the south.

The subject segment of SW 142 Avenue is presently unpaved right-of-way. Through vacation of this segment of road right-of-way the rural character of the immediate residential area would be preserved. Any other rights-of-way or easements reflected within the subject area are not proposed for vacation.

**PREVIOUS ACTIONS:** None

### **CONCURRENCES:**

The Planning and Zoning Board recommended approval subject to the Planning Report (Motion By: Mr. Waitkus, Seconded By: Ms. Lee, Motion carried: 3-0, July 9, 2002).

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Motion to approve.

**Attachment(s):** Planning Report, Justification, Sketch and Description, Plat, Land Use Map, Subject Site Map, and Aerial.

**Prepared By:**

Geri A. Baluss  
Town of Davie  
6591 Orange Drive  
Davie, FL 33314

**Return To:**

Town Clerk's Office  
Town of Davie  
6591 Orange Drive  
Davie, FL 33314

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 142 AVENUE ADJACENT TO THE "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a portion of the SW 142 Avenue right-of-way located adjacent to the "Florida Fruit Lands Company's Subdivision No. 1" plat, specifically described on Exhibit "A &B" attached hereto, was accepted as a public right-of-way; and

WHEREAS, it is the desire of the Town Council to vacate and abandon said right-of-way; and

WHEREAS, at a meeting of the Town Council on the 7th day of August, 2002, the Town Council did agree to such vacation after conducting a public hearing, advertised as prescribed by law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That a portion of the NW 33 Street right-of-way located adjacent to the "Florida Fruit Lands Company's Subdivision No. 1" plat , specifically described on Exhibit "A&B" attached hereto, is hereby vacated by the Town of Davie.

SECTION 2. Easements located within the property described on Exhibit "A&B" are not vacated and shall be maintained in perpetuity.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

SHEET 1 OF 5

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SAID SECTION 15; THENCE ALONG THE WEST LINE OF SAID NORTHEAST ONE-QUARTER, SOUTH 00°14'47" EAST 50.00 FEET TO POINT OF BEGINNING NO. 1; THENCE ALONG A LINE PARALLEL WITH AND 50.00 SOUTH OF THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (NW) OF SAID SECTION 15, NORTH 89°49'08" EAST 25.00 FEET; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET EAST OF SAID WEST LINE, SOUTH 00°14'47" EAST 1579.54 FEET TO REFERENCE POINT 'A'; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET NORTH OF THE SOUTH LINE OF TRACT 12, SOUTH 89°48'17" WEST 25.00 FEET; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET NORTH OF THE SOUTH LINE OF TRACT 21, SOUTH 89°48'19" WEST 25.00 FEET; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET WEST OF THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW) OF SAID SECTION 15, NORTH 00°14'47" WEST 305.91 FEET; THENCE ALONG THE NORTH LINE OF TRACT 21, SOUTH 89°48'29" WEST 20.00 FEET TO A LINE PARALLEL WITH AND 45.00 FEET WEST OF THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW) OF SAID SECTION 15; THENCE ALONG SAID PARALLEL LINE, NORTH 00°14'47" WEST 330.91 FEET TO THE SOUTH LINE OF TRACT 19; THENCE ALONG SAID SOUTH LINE, SOUTH 89°48'39" WEST 5.00 FEET TO A LINE PARALLEL WITH AND 50.00 FEET WEST OF THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW) OF SAID SECTION 15; THENCE ALONG SAID PARALLEL LINE, NORTH 00°14'47" WEST 942.74 FEET TO A LINE PARALLEL WITH AND 50.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW) OF SAID SECTION 15; THENCE ALONG SAID PARALLEL LINE, NORTH 89°49'09" EAST 50.00 FEET TO POINT OF BEGINNING NO. 1.

COMMENCE AT AFORESAID REFERENCE POINT 'A'; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET EAST OF THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE¼) OF SAID SECTION 15, SOUTH 00°14'47" EAST 50.00 FEET TO POINT OF BEGINNING NO. 2; THENCE CONTINUE ALONG SAID PARALLEL LINE, SOUTH 00°14'47" EAST 942.70 FEET TO A LINE PARALLEL WITH AND 25.00 FEET NORTH OF THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 15, AND REFERENCE POINT 'B'; THENCE ALONG SAID PARALLEL LINE, SOUTH 89°47'49" WEST 25.00 FEET; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 15, SOUTH 89°47'49" WEST 50.00 FEET TO A LINE PARALLEL WITH AND 50.00 FEET WEST OF THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 15; THENCE ALONG SAID PARALLEL LINE, NORTH 00°14'47" WEST 305.89 FEET TO THE SOUTH LINE OF TRACT 23; THENCE ALONG SAID SOUTH LINE, NORTH 89°47'58" EAST 25.00 FEET TO A LINE 25.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 15; THENCE ALONG SAID PARALLEL LINE, NORTH 00°14'47" WEST 330.91 FEET TO THE NORTH LINE OF TRACT 23; THENCE ALONG SAID NORTH LINE, NORTH 89°48'09" EAST 25.00 FEET TO THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 15; THENCE ALONG SAID EAST LINE, NORTH 00°14'47" WEST 305.91 FEET TO A LINE PARALLEL WITH AND 25.00 SOUTH OF THE NORTH LINE OF TRACT 11, NORTH 89°48'17" EAST 25.00 FEET TO POINT OF BEGINNING NO. 2.

COMMENCE AT AFORESAID REFERENCE POINT 'B'; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET EAST OF THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 15, SOUTH 00°14'47" EAST 50.00 FEET TO POINT OF BEGINNING NO. 3; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET EAST OF THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 15, SOUTH 00°14'47" EAST 611.78 FEET TO REFERENCE POINT 'C'; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET NORTH OF THE SOUTH LINE OF TRACT 63, SOUTH 89°47'32" WEST 25.00 FEET; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET NORTH OF THE SOUTH LINE OF TRACT 34, SOUTH 89°47'26" WEST 25.00 FEET TO A LINE PARALLEL WITH AND 25.00 FEET WEST OF THE EAST LINE OF THE SOUTHWEST ONE-QUARTER (SW¼) OF SAID SECTION 15; THENCE ALONG SAID PARALLEL LINE, NORTH 00°14'47" WEST 611.78 FEET TO A LINE PARALLEL WITH AND 25.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER (SW¼) OF SAID SECTION 15; THENCE ALONG SAID PARALLEL LINE, NORTH 89°47'49" EAST 25.00 FEET; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER (SE¼) OF SAID SECTION 15, NORTH 89°47'49" EAST 25.00 FEET TO POINT OF BEGINNING NO. 3.

COMMENCE AT AFORESAID REFERENCE POINT 'C'; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET EAST OF THE WEST LINE OF THE SOUTHEAST ONE-QUARTER (SE $\frac{1}{4}$ ) OF SAID SECTION 15, SOUTH 00°14'47" EAST 50.00 FEET TO POINT OF BEGINNING NO. 4; THENCE CONTINUE ALONG SAID PARALLEL LINE, SOUTH 00°14'47" EAST 1910.38 FEET TO A LINE PARALLEL WITH AND 50.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER (SE $\frac{1}{4}$ ) OF SAID SECTION 15, SOUTH 89°46'36" WEST 25.00 FEET; THENCE ALONG A LINE PARALLEL WITH AND 50.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER (SW $\frac{1}{4}$ ) OF SAID SECTION 15, SOUTH 89°46'18" WEST 25.00 FEET TO A LINE PARALLEL WITH AND 25.00 FEET WEST OF THE EAST LINE OF THE SOUTHWEST ONE-QUARTER (SW $\frac{1}{4}$ ) OF SAID SECTION 15; THENCE ALONG SAID PARALLEL LINE, NORTH 00°14'47" WEST 1910.38 FEET TO A LINE PARALLEL WITH AND 25.00 FEET SOUTH OF THE NORTH LINE OF TRACT 35; THENCE ALONG SAID PARALLEL LINE, NORTH 89°47'28" EAST 25.00 FEET; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET SOUTH OF THE NORTH LINE OF TRACT 62, NORTH 89°47'32" EAST 25.00 FEET TO POINT OF BEGINNING NO. 4.

### SKETCH AND DESCRIPTION

THIS SKETCH DOES NOT  
REPRESENT A BOUNDARY SURVEY

7-15-00	WOLFE PORTION OF TRACT 13		NR	
8-26-00	LEASED OUT PORTIONS LYING IN TRACTS 13 & 22		NR	
DATE	REVISIONS		PREP.	CHK.
DRAWN BY: PSS		CHECKED BY:		BL

**TOWN OF DAVIE**

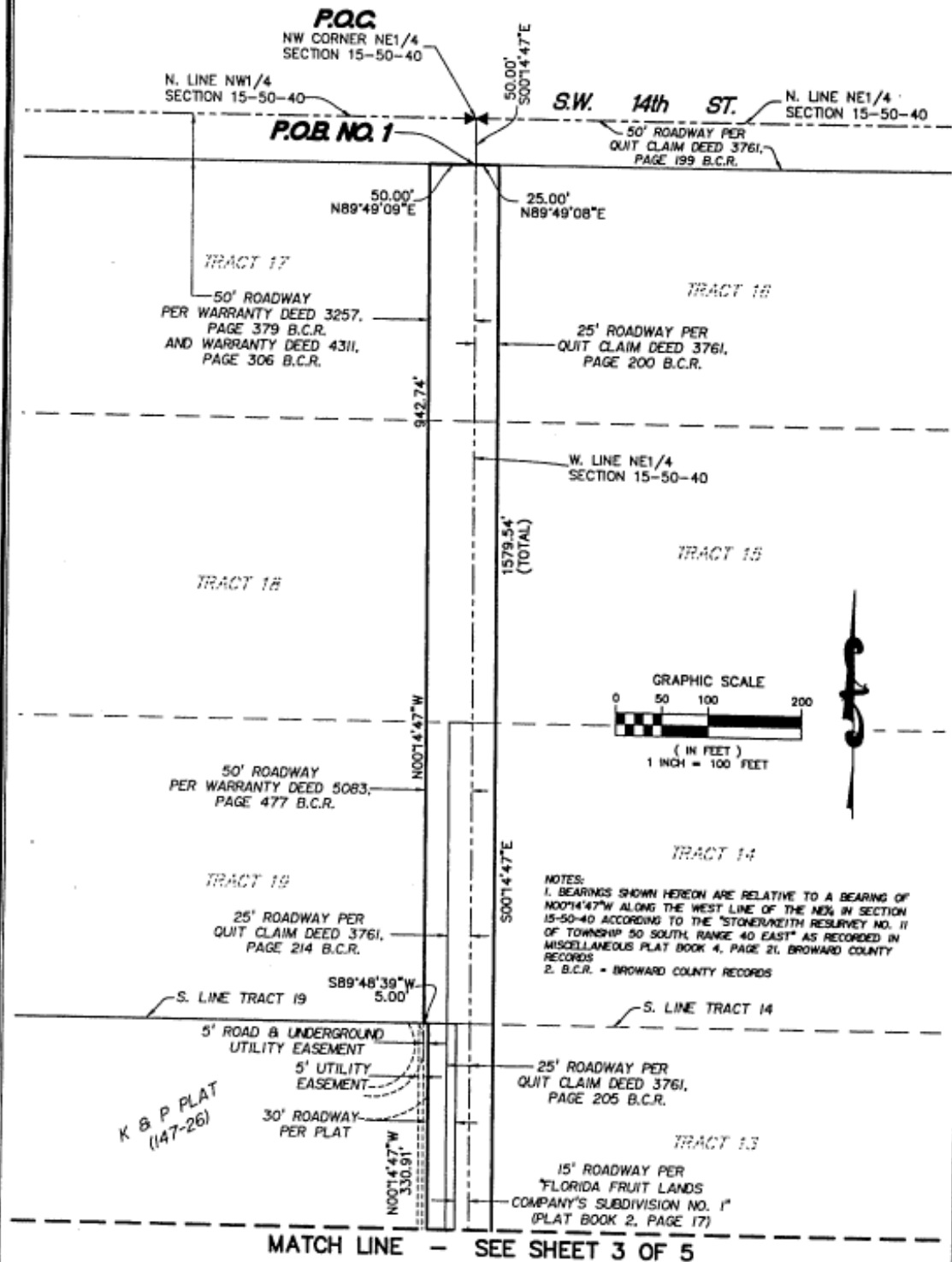


1800 N. DOUGLAS ROAD, SUITE 200  
MEMPHIS, TN 38104  
(901) 438-7000 FAX: (901) 437-2956  
CITY OF MEMPHIS

I HEREBY CERTIFY THAT THIS SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 1101.30, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 473.05, FLORIDA STATUTES.

DATED THIS 10th DAY OF OCTOBER, 2001 A.D.  
 \_\_\_\_\_  
 JACQUELIN M. LYNCH  
 PROFESSIONAL SURVEYOR AND MAPPER  
 STATE OF FLORIDA REGISTRATION NO. 4058  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
 RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

PROJECT NO.	FILE NO.
1094-19,262	11-1A-943



ENGINEERS • PLANNERS • SURVEYORS  
LANDSCAPE ARCHITECTS  
ENVIRONMENTAL PROFESSIONALS

1800 N. DOUGLAS ROAD, SUITE 200  
PLEASANTON, FLORIDA 33024  
(854)438-7000 FAX: (854)437-2808  
CERT. OF AUTHORITY#247004 + 6 more

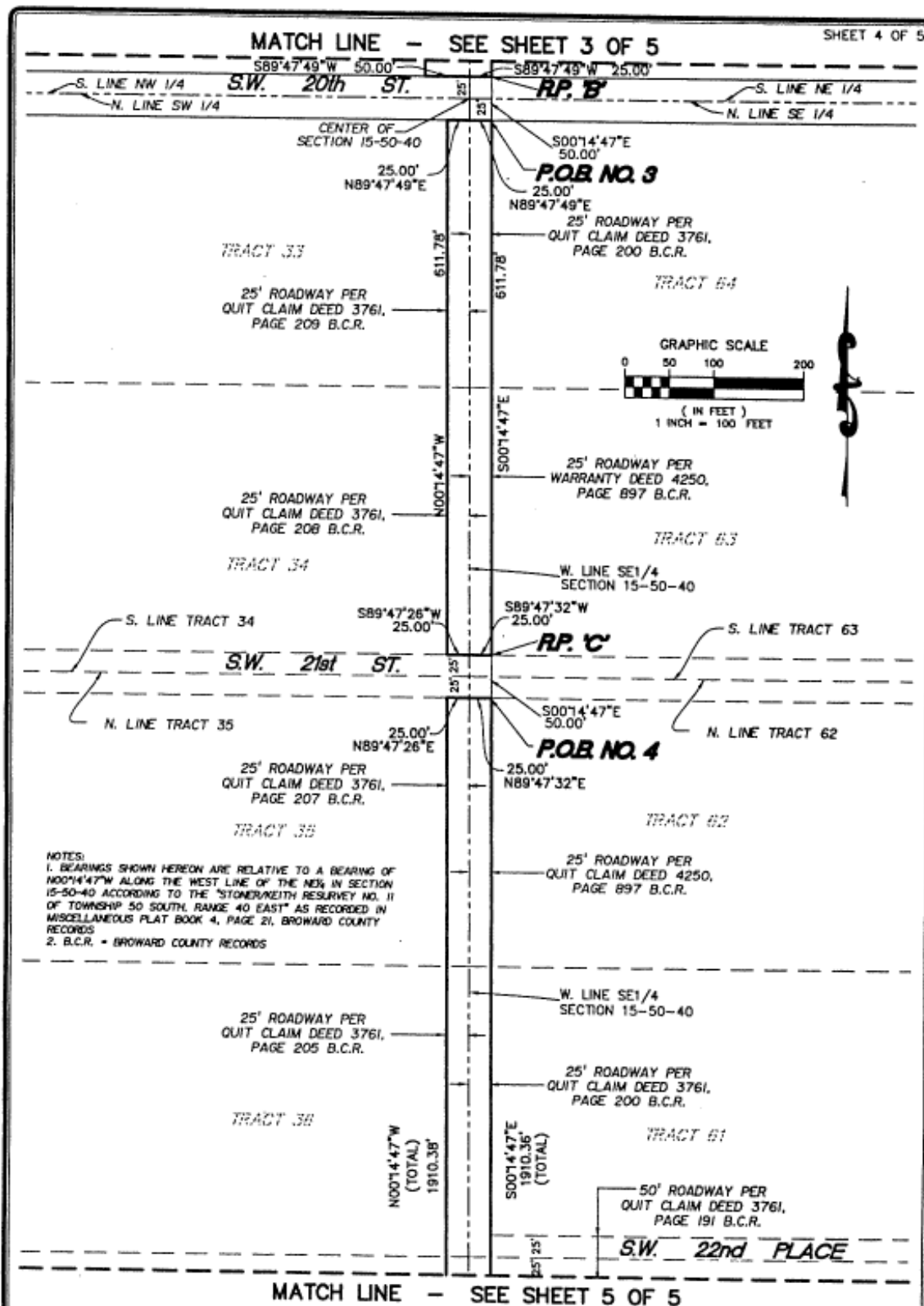
THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

### SKETCH AND DESCRIPTION

PRO-EXT NO.  
1094-19.262

FILE NO.  
11-1A-943





**MILLER LEGG**  
 ENGINEERS • PLANNERS • SURVEYORS  
 LANDSCAPE ARCHITECTS  
 ENVIRONMENTAL PROFESSIONALS  
 1800 N. DOUGLAS ROAD, SUITE 200  
 PLEASANTON, FLORIDA 33024  
 (954) 438-7000 FAX: (954) 433-2848  
 CERT. OF AUTHORIZATION L.S. 6680

**SKETCH AND DESCRIPTION**

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

PROJECT NO.  
1094-19.262

FILE NO.  
11-1A-943

MATCH LINE - SEE SHEET 4 OF 5

SHEET 5 OF 5

S.W. 22nd PLACE

TRACT 37

TRACT 60

(TOTAL)  
1910.38'

1910.38'  
(TOTAL)

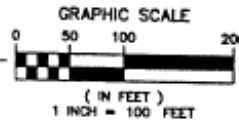
25' ROADWAY PER  
QUIT CLAIM DEED 3761,  
PAGE 205 B.C.R.

TRACT 38

TRACT 59

W. LINE SE 1/4  
SECTION 15-50-40

N00°14'47"W



TRACT 39

TRACT 58

NOTES:  
1. BEARINGS SHOWN HEREON ARE RELATIVE TO A BEARING OF  
N00°14'47"W ALONG THE WEST LINE OF THE NE 1/4 IN SECTION  
15-50-40 ACCORDING TO THE "STONERKEITH RESURVEY NO. II  
OF TOWNSHIP 50 SOUTH, RANGE 40 EAST" AS RECORDED IN  
MISCELLANEOUS PLAT BOOK 4, PAGE 21, BROWARD COUNTY  
RECORDS  
2. B.C.R. = BROWARD COUNTY RECORDS

25' ROADWAY PER  
QUIT CLAIM DEED 3761,  
PAGE 200 B.C.R.

TRACT 40

TRACT 57

50' ROADWAY PER  
QUIT CLAIM DEED 3895,  
PAGE 652 B.C.R.

S89°46'18"W  
25.00'

S89°46'36"W  
25.00'

50' ROADWAY PER  
WARRANTY DEED 3741,  
PAGE 142 B.C.R.

S. LINE SW 1/4

S. LINE SE 1/4

SW CORNER SE 1/4  
SECTION 15-50-40

S.W. 26th ST.



ENGINEERS • PLANNERS • SURVEYORS  
LANDSCAPE ARCHITECTS  
ENVIRONMENTAL PROFESSIONALS

1800 N. DOUGLAS ROAD, SUITE 200  
PLUMBOURNE PARK, FLORIDA 33074  
(954) 438-7000 FAX: (954) 433-2858  
CERT. OF AUTHORIZATION L.S. 6660

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

SKETCH AND DESCRIPTION

PROJECT NO.  
1094-19.262

FILE NO.  
11-1A-943



**Application #:** VA 5-2-02

**Revisions:**

**Exhibit "A"**

**Original Report Date:** June 24, 2002

**TOWN OF DAVIE**

**Development Services Department  
Planning & Zoning Division Staff  
Report and Recommendation**

**APPLICANT INFORMATION**

**Owner:**

**Name:** Town of Davie  
6591 Orange Drive  
**City:** Davie, FL 33314  
**Phone:** (954) 797-1101

**Agent:**

MillerLegg & Associates, Inc. **Address:**  
1800 North Douglas Road, Ste. 200  
Pembroke Pines, FL 33024  
(954) 436-7000

**BACKGROUND INFORMATION**

**Notification Date:** July 2, 2002

**Number of Notifications:** 137

**Application Request:** To vacate a portion of a 50-foot road right-of-way, approximately 1579.54 feet in length and 290,053 square feet in area; within the platted area known as "Florida Fruit Lands Company's Subdivision No.1" as recorded in Plat Book 2, Page 17 of the Dade County Records.

**Address/Location:** SW 142 Avenue, Generally located between SW 14 Street to the south and SW 26 Street to the north.

**Land Use Designation:** Residential (1 du/ac)

**Existing Zoning:** R-1, Estate Dwelling District

**Existing Use:** Vacant land (Right-of-Way)

**Proposed Use:** Residential land

**Parcel Size:** 6.659 acre (290,053 square feet)

**Surrounding Land Use:**

**North:** Shenandoah Lake  
**South:** Vacant Land/Road  
**East:** Single Family Residence  
**West:** Single Family Residence

**Land Use Designations:**

Residential (3 du/ac)  
Residential (1 du/ac)  
Residential (1 du/ac)  
Residential (1 du/ac)

**Surrounding Zoning:**

**North:** PRD 3.8, Planned Residential Development (3.8 du/ac)  
**South:** A-1, Agricultural District, & R-1, Estate Dwelling District (Road)  
**East:** R-1, Estate Dwelling District  
**West:** R-1, Estate Dwelling District

**HISTORY**

The 50-foot right-of-way was dedicated to the public on February 11, 1911, by the "Florida Fruit Lands Company's Subdivision No. 1" plat as recorded in the Dade County Records.

**Summary of Significant Development Review Agency Comments**

The Engineering Department has reviewed the subject request and has recommended approval. The various utility companies which staff notifies of easement vacation requests have responded with letters of no objection.

On February 13, 2002, Central Broward Water Control District reviewed the subject request and recommended approval subject to providing a 20-foot Canal Maintenance Easement along the east-side of SW 142 Avenue right-of-way to be vacated.

**Application Codes and Ordinances**

Land Development Code Section 12-310 requires that Town Council must review and approve vacations and abandonments by Ordinance.

**Comprehensive Plan Considerations**

**Planning Area:** This request is in Planning Area 2 which includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by Flamingo Road. The predominant existing and planned land use is single family residential with a density of one dwelling unit per acre.

**Flexibility Zone:** The proposed plat is in Flexibility Zone 113.

**Concurrency Considerations:** A Traffic Concurrency Agreement was recorded on February 13, 1997 and an amendment was recorded on January 6, 1998.

**Applicable Goals, Objectives & Policies:** None

### **Staff Analysis**

On July 3, 2001, at the request of adjacent residents, Town Council approved the vacation of a portion of right-of-way for SW 142 Avenue, lying between SW 26 Street to the north and SW 14 Street to the south.

The subject segment of SW 142 Avenue is presently a 50' unpaved right-of-way with a canal lying within said right-of-way. Through vacation of this segment of road right-of-way the rural character of the immediate residential area would be preserved. Any other rights-of-way or easements reflected within the subject area are not proposed for vacation.

### **Findings of Fact**

The proposed request is not contrary to the Land Development Code or adopted Comprehensive Plan, as amended, or any element or portion thereof.

### **Staff Recommendation**

**Recommendation:** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

### **Planning and Zoning Board**

**PLANNING AND ZONING BOARD RECOMMENDATION:** Motion to recommend approval subject to the Planning Report (Motion By: Mr. Waitkus, Seconded By: Ms. Lee, Motion carried: 3-0, July 9, 2002).

### **Exhibits**

Ordinance, Planning Report, Justification Letter, Sketch and Description, Plat, Land Use Map, Subject Site Map, and Aerial.

Prepared By: \_\_\_\_\_ Reviewed By: \_\_\_\_\_

#### JUSTIFICATION STATEMENT

S.W. 142<sup>nd</sup> Avenue between S.W. 14<sup>th</sup> Street and S.W. 26<sup>th</sup> Street is not a paved roadway. The right-of-way for this road is sought to be vacated due to the abutting owners' request.

The Town of Davie has determined that the paved road in this section of land is not required and has agreed to proceed with the vacation process.

**SUBDIVISION N<sup>o</sup> 1**

FLORIDA

**PL 359**

PL 493

UN

*A series of four papers*

Feb 27 1967

*Laurens E. Katz*

[illegible]

100% of the respondents reported that they were

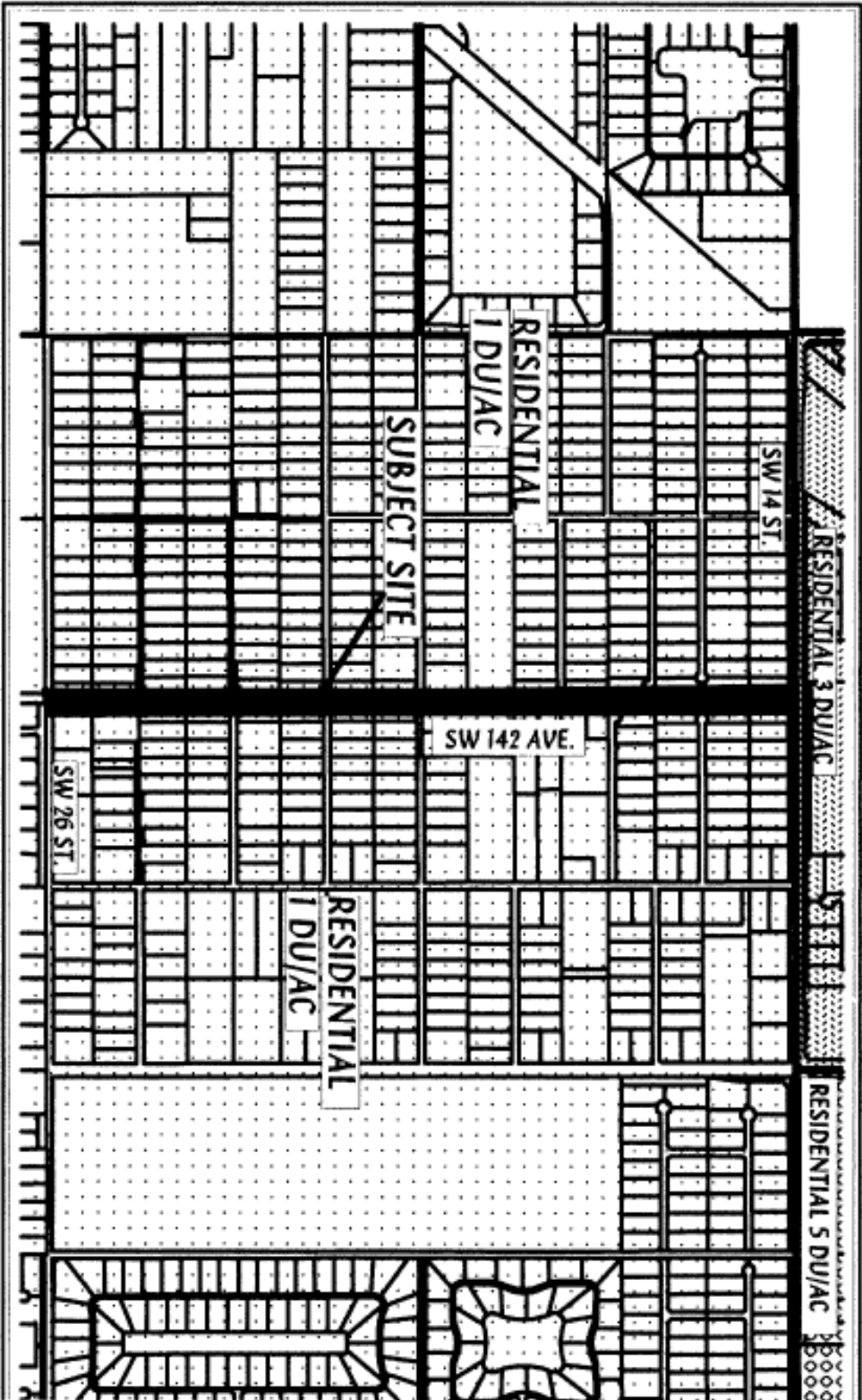
2000

[illegible]

### CONCLUSIONS AND RECOMMENDATIONS

1

FLORIDA FRUIT LAND COMPANY'S  
SUBDIVISION NO. 1  
PLAT BOOK 2 PAGE 17  
DADE COUNTY RECORDS



**PETITION NUMBER: VA 5-2-02**

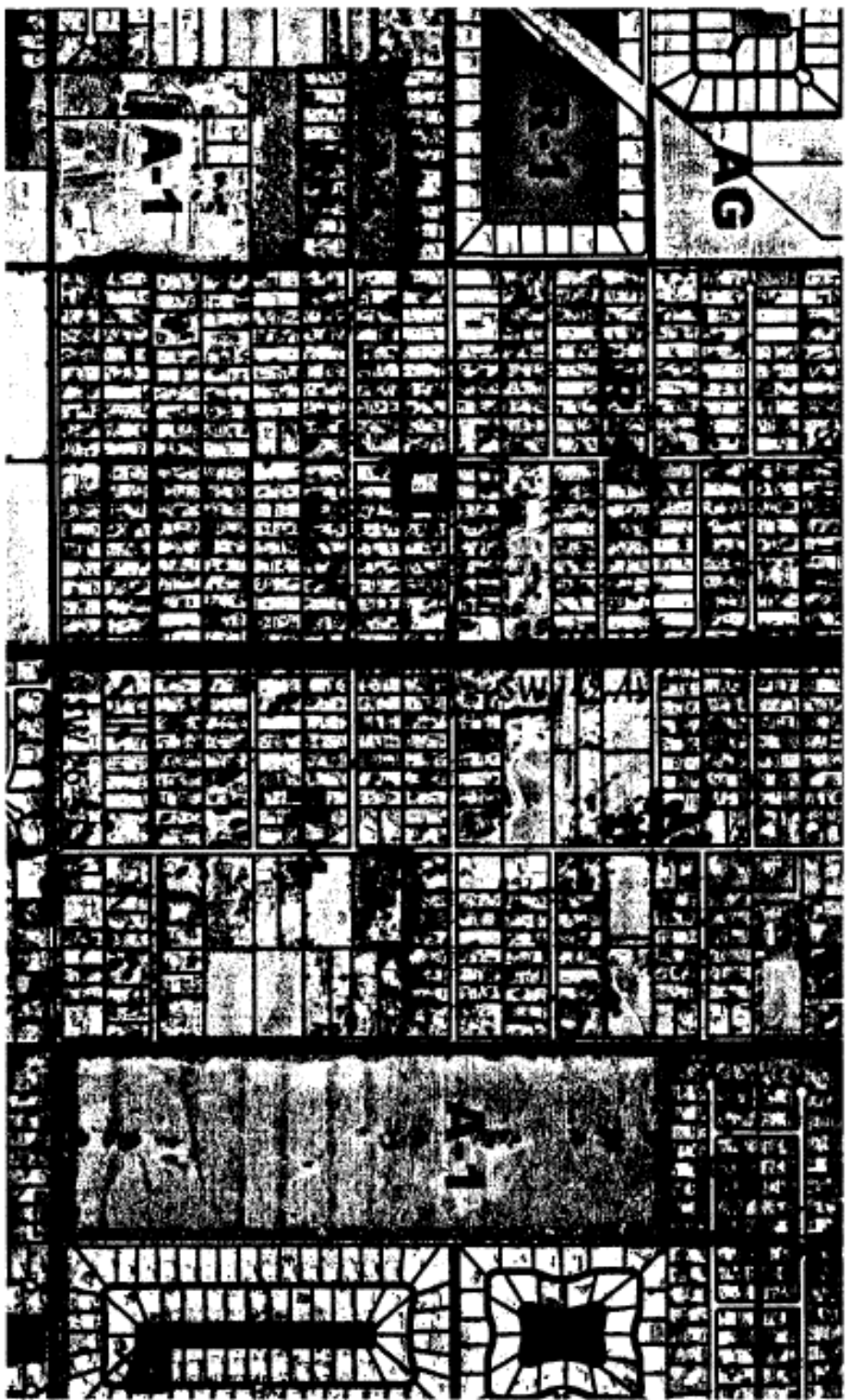
**FUTURE LAND USE MAP**

Date: Flown: January, 2001

Scale: 1"= 800'

Planning & Zoning Division - GIS

Prepared 6/18/02



PETITION NUMBER: VA 5-2-02

Zoning and Aerial Map  
Date: Flown: January, 2001  
Scale: 1"= 900'  
Planning & Zoning Division - GIS  
Prepared 7/8/02